

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA

v.

CASE NO: 15CR00143-1 (RAM)

MIGUEL VELAZQUEZ-MICHAEL
a/k/a "Pamper"

**MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE TERM,
REQUESTING AN ARREST WARRANT, AND A SHOW CAUSE HEARING**

COMES NOW, Elsie Rivera-Torres, U.S. Probation Officer of this Honorable Court, respectfully informing and requesting as follows:

On June 2, 2021, this Honorable Court found that Mr. Velázquez had violated his conditions of supervised release. Although his supervised term was not revoked, his conditions of release were modified to include location monitoring for a period of three (3) months, and employment or community service in the case of employment unavailability (Docket No. 96). Nonetheless, on November 16, 2021, Mr. Velázquez's original supervised release term was revoked to five (5) months of imprisonment, to be followed by a term of supervised release of four (4) (Docket No. 120).

Since his release, Mr. Velázquez has incurred in the following violations:

- 1. Mandatory Condition No. 2: "You must not unlawfully possess a controlled substance."**
- 2. Mandatory Condition No. 3: "You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of**

release from imprisonment and at least two periodic drug tests thereafter, as determined by the court."

3. Standard Condition No. 7: "You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
4. Standard Condition No. 13: "You must follow the instructions of the probation officer related to the conditions of supervision."
5. Special Condition No. 1: "The defendant must be employed and in the case of employment not being available, he must complete community service for a combination of 20 hours per week during his term of supervised release. The probation officer will supervise the participation in the community service program by approving the program (agency, location, frequency of participation, etc.). The defendant must provide written verification of completed community service hours to the probation officer.
6. Special Condition: "The defendant shall participate in an approved substance abuse monitoring and/or treatment services program. The

defendant shall refrain from the unlawful use of controlled substances and submit to a drug test within fifteen (15) days of release; thereafter, submit to random drug testing, no less than three (3) samples during the supervision period and not to exceed 104 samples per year accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. If deemed necessary, the treatment will be arranged by the officer in consultation with the treatment provider. The defendant is required to contribute to the cost of services rendered (co-payment) in an amount arranged by the Probation Officer based on the ability to pay or availability of third-party payment.

- 7. Special Condition: “The defendant shall participate in a program or course of study aimed at improving educational level and/or complete a vocational training program. In the alternative, he/she shall participate in a job placement program recommended by the Probation Officer.**

On January 30, 2023, an employment referral was completed on this date. Nonetheless, Mr. Velázquez declined two (2) job offers, one at the racetrack because it was too closed to his home, and the other at Chili's Restaurant as he disliked working in the kitchen.

Mr. Velázquez provided a urine sample on June 28, 2023, as part of the Random Drug Testing Program (hereinafter "RDTP") which results yielded positive test results for Fentanyl. The sample was confirmed by the National Laboratory. Consequently, a visit was conducted at his place of residence on August 10, 2023. During the visit, the above-mentioned sample was discussed. Mr. Velázquez initially denied said use but later

admitted not taking his prescribed suboxone as instructed. Conditions of supervision were reviewed, specifically as to the illicit use of controlled substances. Likewise, admission form was explained and signed by him. The Probation Officer instructed him to resume his substance abuse treatment at Health ProMed. After having concluded the visit, Mr. Velázquez admitted consuming Fentanyl every 2 to 3 days and feeling overwhelmed with the sensation of needing more. The option of participating in a detox program was explained to which he agreed. The urine sample collected on this date yielded positive test results for benzodiazepines and Fentanyl.

A follow-up visit was conducted at his residence on September 7, 2023, concerning treatment, Mr. Velázquez admitted only attending treatment at Pavia Hospital for one day as his health insurance had expired. Upon inquiring as to why he did not contact this writer immediately, he only admitted in not doing so. It was further stated consuming Fentanyl daily to help him sleep. The Probation Officer verbally reprimanded him and the importance of seeking medical assistance in an urgent matter was emphasized.

On September 21, 2023, a visit was conducted at his residence for supervision purposes. At the time, Mr. Velázquez indicated having completed the renewal process of his health insurance but admitted not following through with the treatment as instructed. Conditions of supervision were once again reviewed, and he was instructed to seek substance abuse treatment. Subsequently, on September 25, 2023, a text message was received from Mr. Velázquez notifying having attended his evaluation at Pavia Hospital. It was further noted that treatment was to start the following day for a period of 5 to 7 days. Certification of attendance was received.

On October 16, 2023, telephone call was held with Mr. Velázquez during which he voiced looking for other treatment alternatives. He also stated struggling with withdrawal symptoms but was allegedly instructed to maintain attending treatment as initially instructed by the provider. Moreover, he admitted having used Fentanyl the day before. Although he voiced willingness in attending inpatient treatment, he expressed preferring Intensive Outpatient Program and being committed to following any instructions. In the event said treatment does not work out, he was advised that inpatient treatment is to be followed. As a course of action, Intensive Therapy Program (IOP) appointment was coordinated for October 23, 2023, at Panamericano Outpatient Unit Hato Rey. Nevertheless, on November 8, 2023, Mr. Velázquez's consensual partner, indicated via telephone that he was admitted to a detox program after having lapsed in the use of drugs.

On December 13, 2023, a personal contact was made at his residence. With regard to his hospitalization, he volunteered having been admitted at First Hospital Panamericano on November 8, 2023, after consuming up to 2 to 3 pills of Fentanyl, and was discharged on November 29, 2023. Admission form was discussed and signed by him. At the time, Mr. Velázquez indicated not undergoing Medication-Assisted Treatment (MAT) and noted taking the medicine he had left (prescribed buprenorphine). Therefore, an appointment for MAT was coordinated for January 2, 2024, at 10:00am at Health ProMed (Santurce).

On June 5, 2024, attempted contact was made at Mr. Velázquez's residence. However, he was not present at the time of the visit. A noted was left with instructions to contact this writer. Subsequently, on June 20, 2024, a text message was sent to his

consensual partner, requesting assistance in contacting Mr. Velázquez. Likewise, another visit was conducted at his residence unsuccessfully. An additional note was left with instructions to contact this writer. On the same date, telephone call was received from him during which the importance of maintaining communication with his Probation Officer was discussed. Furthermore, he was instructed to stay attentive of his telephone as an additional visit would be taking place. Regarding substance abuse, Mr. Velázquez admitted the illicit use of suboxone without prescription.

On June 25, 2024, multiple attempts to establish contact with Mr. Velázquez by telephone were unsuccessful. Also, a visit was conducted at his residence, but he was not present. A note was left with instructions to report to the Probation Office on June 26, 2024, before 12:00PM. Mr. Velazquez failed to report on said date. Additionally, on July 1, 2024, text message was sent both to his consensual partner and his father, requesting assistance in contacting him. Lastly, on July 8, 2024, the Probation Officer attempted to establish contact by telephone with his consensual partner to no avail. Voice message and text message was left requesting assistance in contacting Mr. Velázquez. At the present time, the whereabouts of Mr. Velazquez' remain unknown. Furthermore, Mr. Velázquez remains unemployed, and we have not received any evidence that he has been actively searching for employment nor continuing performing community service work.

Mr. Velázquez has continued to demonstrate lack of commitment towards the supervision process despite implementing strategies to mitigate the above-mentioned risk factors.

WHEREFORE, it is respectfully requested that an arrest warrant be issued, and that Mr. Velázquez be brought before this Honorable Court to Show Cause why his Supervised Release Term should not be revoked, and thereupon, he be dealt pursuant.

In San Juan, Puerto Rico, this 2nd day of August 2024.

RESPECTFULLY SUBMITTED,

LUIS O. ENCARNACION,
Chief U.S. Probation Officer

s/Elsie Rivera-Torres

Elsie Rivera-Torres,
U.S. Probation Officer
United States Probation Office
Federal Office Building
150 Chardón Avenue
San Juan, PR 00918
Telephone: (787) 766-5596
elsie_rivera@prp.uscourts.gov

CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this motion with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the parties.

In San Juan, Puerto Rico, this 2nd day of August 2024.

s/Elsie Rivera-Torres
Elsie Rivera-Torres
U.S. Probation Officer

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

United States of America

v.

Miguel Velazquez-Michael

Defendant

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) Case No. 3:15-cr-0143-01 (RAM)
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)
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ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Miguel Velazquez-Michael,

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

See docket 124.

Date: 8/2/2024

S/ Raul M. Arias-Marxuach

*Issuing officer's signature*City and state: San Juan, Puerto Rico

Raul M. Arias-Marxuach, U.S. District Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: Miguel Velazquez-Michael

Known aliases:

Last known residence:

Prior addresses to which defendant/offender may still have ties:

Last known employment:

Last known telephone numbers:

Place of birth:

Date of birth:

Social Security number:

Height:

Weight:

Sex:

Race:

Hair:

Eyes:

Scars, tattoos, other distinguishing marks:

History of violence, weapons, drug use:

Known family, friends, and other associates (name, relation, address, phone number):

FBI number:

Complete description of auto:

Investigative agency and address:

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*):

Date of last contact with pretrial services or probation officer (*if applicable*):